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CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MARC RICHFIELD, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

POLARITYTE, INC., DAVID B. SEABURG,
JACOB ALEXANDER PATTERSON, and
RICHARD HAGUE,

Defendants.

Case No. Case No. 2:21-cv-00561-BSJ

**ORDER GRANTING THE
MOTION OF CHRISTOPHER EVANS
FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
SELECTION OF COUNSEL**

WHEREAS, the above-captioned securities class action has been filed against defendants PolarityTE, Inc., David B. Seaburg, Jacob Alexander Patterson, and Richard Hague, alleging violations of the federal securities laws;

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(A)(i), on September 24, 2021, a notice was issued to potential class members of the action informing them of their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on November 23, 2021, Christopher Evans ("Movant") moved the Court to be appointed as lead plaintiff and approve Movant's selection of The Rosen Law Firm, P.A. as Lead Counsel and James Dodge Russell & Stephens P.C. as Liaison Counsel;

WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has made a

motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfies the requirements of Fed. R. Civ. P. 23;

WHEREAS, the Court finding that Movant has the largest financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and

IT IS HEREBY ORDERED THAT:

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

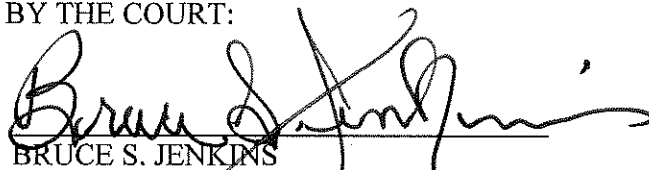
1. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. §78u-(a)(3)(B), Movant is appointed Lead Plaintiff for the class as he has the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.

2. Movant's choice of counsel is approved and accordingly, The Rosen Law Firm, P.A. is provisionally appointed as Lead Counsel, and James Dodge Russell & Stephens P.C. is provisionally appointed as Liaison Counsel, pending class certification.

3. Lead Counsel, after being provisionally appointed by the Court, shall manage the prosecution of this litigation. Lead Counsel is to avoid duplicative or unproductive activities and is hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) prepare the case for trial; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff and the Class.

BY THE COURT:

Dated 12/20/, 2021


BRUCE S. JENKINS
United States Senior District Judge